

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION**

SHERMYKAEL JENKINS, SR. ,

Plaintiff,

v.

Case No: 2:20-cv-665-SPC-MRM

LEE COUNTY SHERIFF'S  
OFFICE, MICHELLE  
OLUBODE, KAREN HULETTE,  
FNU DAROSS, FNU MERCI,  
FNU SCADUTO, FNU MOSES,  
FNU GARDNER, FNU LEPE,  
FNU BRADY and FNU  
MOJICA,

Defendants.

\_\_\_\_\_ /

**OPINION AND ORDER**<sup>1</sup>

Plaintiff Shermykael Jenkins, Sr.—a prisoner of the Florida Department of Corrections—filed this civil rights case on August 28, 2020. ([Doc. 1](#)). The Court granted Jenkins leave to proceed *in forma pauperis* and attempted to serve Defendants at the addresses he provided, including Olubode's presumed place of employment. The Court was unable to serve Olubode because she no longer worked there. On May 5, 2021, Magistrate Judge Mac R. McCoy ordered

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<sup>1</sup> Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

Jenkins to provide a current service address for Olubode on or before May 31, 2021. Judge McCoy warned, “If Jenkins fails to timely comply, the Court may dismiss Olubode without further notice.” (Doc. 51). Jenkins did not submit a new service address for Olubode or otherwise respond to Judge McCoy’s Order.

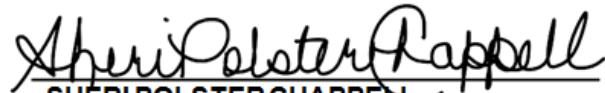
Under Rule 4(m), a district court “must dismiss the action without prejudice...or order that service be made within a specific time” if the defendant has not been served within 120 days of filing the complaint. [Fed. R. Civ. P. 4\(m\)](#). A court must extend the time for service if the plaintiff shows “good cause” for the failure. *Id.* Jenkins has not shown good cause to extend the service deadline. The Court will thus dismiss Jenkins’ claim against Olubode without prejudice under Rule 4(m). *See Brown v. Davis*, 656 F. App’x 920, 921 (11th Cir. 2016) (affirming dismissal because the *in forma pauperis* plaintiff provided the wrong address for a defendant and did not attempt to remedy service).

Accordingly, it is now

**ORDERED:**

Plaintiff Shermykael Jenkins, Sr.’s claim against Defendant Michelle Olubode is **DISMISSED without prejudice**. The Clerk is **DIRECTED** to terminate Olubode as a party to this case.

**DONE** and **ORDERED** in Fort Myers, Florida on June 9, 2021.

  
**SHERI POLSTER CHAPPELL**  
**UNITED STATES DISTRICT JUDGE**

SA: FTMP-1

Copies: All Parties of Record